



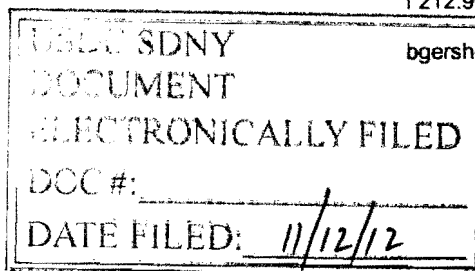
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November 8, 2012

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The Honorable Paul G. Gardephe
United States District Court
Southern District of New York
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New York, New York 10007
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Re: O'Neill v. Mermaid Touring Inc., et al., 11-cv-9128 (PGG)

Dear Judge Gardephe:

We represent Mermaid Touring Inc. and Stefani Germanotta (collectively the "Defendants"), in the above-referenced action. As Your Honor may recall, during the parties' September 13, 2012 conference, Your Honor set a tentative deadline of November 9, 2012 for Defendants Motion for Partial Summary Judgment. This deadline was predicated on resolving the parties' remaining discovery issues on or before October 12, 2012. To date, the remaining discovery issues have not been resolved by the parties, and these remaining discovery issues were to be the subject of the parties' November 1, 2012 telephone conference with Your Honor. Since the parties' November 1 telephone conference was canceled due to Hurricane Sandy, and not rescheduled until November 20, Defendants request a modification of the parties' current deadline such that Defendants will not file their Motion for Partial Summary Judgment in accordance with the November 9 tentative deadline. Additionally, Defendants request that a new briefing schedule be set during the parties' November 20 telephone conference. Plaintiff's counsel does not oppose these requests.

We thank the Court for its attention to this matter.

Respectfully submitted,

Brian J. Gershengorn

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe, U.S.D.J.Dated: Nov. 9, 2012

Proskauer»

Hon. Paul G. Gardephe

November 8, 2012

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cc: Paul F. Millus
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